NAVEX GLOBAL™
The Ethics and Compliance Experts

ETHICS & COMPLIANCE TOOLKIT:

Harassment Investigation Checklist

BACKED BY

EXCLUSIVELY ENDORSED BY

Developed by Littler Mendelson, the world's largest employment law firm, this checklist will guide the handling and addressing harassment complaints.

1. Decide upon the order in which investigation interviews will be conducted.
   - » Complainant
   - » Alleged harasser
   - » Coworkers and other witnesses
   - » Supervisors of the complainant and alleged harasser
   - » Second interview with the alleged harasser to discuss any factual questions as a result of the investigation

2. Interview each witness separately in an office or room where the discussion will not be overheard by other witnesses, the alleged harasser, or any other unauthorized persons.

3. Two uninvolved managers should participate in the interview process. At least one of the investigating managers should be thoroughly familiar with harassment law and the Company's harassment policies and procedures. One manager should be designated as the interviewer, and the other should act primarily as a witness and take notes of the discussion.

4. Before beginning the interview, explain the purpose of the interview by referring generally to recent complaints about the relationship between the complainant and the alleged harasser. Do not necessarily discuss the issue of unlawful harassment, so that you do not taint the witness' recollection of the events.
   - » Emphasize that the Company takes these charges very seriously and that the Company is investigating these charges by interviewing all potential witnesses in compliance with Company policy.
   - » Explain that upon completion of the investigation, the Company will attempt to determine what occurred, and will take appropriate action based on its determination.
   - » Both the complainant and the alleged harasser should be advised that each will be apprised of the results of the investigation and any action taken.
   - » Instruct each witness interviewed not to discuss the matters covered during the interview with any co-employee or the alleged harasser.
   - » Explain to the witness that confidentiality is necessary to protect the integrity of the investigation and to ensure that the Company receives trustworthy information in an atmosphere free from coercion.
   - » Explain to the witness that Company policy prohibits retaliation against anyone who complains of harassment or participates in an investigation, and that any acts of retaliation should be reported immediately.

Trust NAVEX Global's Ethical Leadership Group

Put 100+ years of ethical leadership to work for you. Contact us today to speak with one of our risk assessment advisory specialists.

+1 866 297 0224
www.navexglobal.com

© 2012 NAVEX GLOBAL. ALL RIGHTS RESERVED

5. During the interviews:
   - » Avoid leading questions.
   - » Ask open ended, non-judgmental questions. Use investigation interview forms where appropriate.
   - » Explain to all witnesses that retaliation will not be tolerated.
   - » Avoid the appearance of impropriety or favoritism in conducting interviews.
   - » Observe and record all physical and verbal reactions of witnesses.
   - » Do not record conclusions regarding credibility.
   - » Avoid judgmental statements or furthering of myths or stereotypes.
   - » Explore the effect of alleged harassment on the complainant and any others affected (i.e., psychological, emotional, physical and financial).
6. Review the complainant's and the alleged harasser's personnel files.
7. Discuss investigation results and proposed action with the investigation team. This discussion should be limited to those with a need to know the results of the investigation, such as the complainant's supervisor, the alleged harasser's supervisor, and senior Human Resources department staff.
8. Consider credibility determinations. Factors include memory, perception, truthfulness, corroboration or lack of it, bias of witnesses, consistency, plausibility of accounts and prior misconduct.
9. Review all evidence collected.
10. Make a decision.
11. Consider appropriate remedial action: consider a verbal warning, written warning, denial of bonus or pay raise, suspension, demotion, termination or some combination. Also consider providing harassment training to the harasser and to all employees.
12. Consider the following factors in determining the appropriate remedial action:
    - » Credibility of the complainant, alleged harasser and other witnesses;
    - » Prior conduct, if any (e.g., the alleged harasser);
    - » Prior discipline of the alleged harasser;
    - » Level of harassment, including the type and frequency of conduct;
    - » Alleged harasser's knowledge of company rules of conduct;
    - » Prior disciplinary "precedent" for identical, similar or analogous misconduct; and
    - » Public and employee relations issues.
13. Review the harassment investigation and findings.
    - » Was the company harassment policy adequate?
    - » Were the employees aware of the terms of the harassment policy?
    - » Was the harassment complaint procedure adequate?
    - » Did the investigator uncover other issues which need to be addressed?
14. Implement changes to the harassment policies and procedures where appropriate

© 2012 NAVEX GLOBAL. ALL RIGHTS RESERVED